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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,942

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Kimitake Takamura

MFA-105US

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RATNERPRESTIA

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VALLEY FORGE, PA 19482

EXAMINER

ANDLER, MICHAEL S

ART UNIT

PAPER NUMBER

2876

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,942	Applicant(s) TAKAMURA ET AL.	
	Examiner Michael Andler	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The examiner acknowledges and has entered the amendments/arguments filed on 22 February 2010. Claim 1 is currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a) Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (US 6,429,768) in view of Janning et al. (US 6,446,049).

Regarding claim 1, Flick discloses an IC card adapter apparatus (See Abstract) comprising:

a communicating unit (Fig 1, item 22 and Fig 2, item 22') that communicates (Fig 3 and Col 6, lines 43-54) with a vehicle control device (Fig 1, item 30 and Fig 2, item 62);

a nonvolatile memory that stores personal information in advance (See Fig 1, item 25; Fig 2, item 25'; Col 4, lines 18-20; and Col 6, lines 51-54 where it is understood that the CPU would have some form of memory to store the code); and

a control unit that collates personal information recorded in an IC card (Col 4, lines 40-46) with the personal information stored in the nonvolatile memory when the IC card comes close to the IC card adapter apparatus, and allows the communicating unit to perform transmitting and receiving operations when a result of the collation indicates

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coincidence (See Fig 3 and Col 6, lines 43-54 where a code used to enable vehicle functions is a form of personal information),

wherein the IC card adapter apparatus detects an external radio wave accessing the IC card (See Col 2, lines 64-67; Col 4, lines 3-5 and 15-17 where a transmitted powering wave (i.e. interrogation signal) is a form of external wave detected by the response of the transponder coded signal) and an interfering wave is output from the IC card adapter apparatus such that data output from the IC card is transmitted together with the interfering wave (Col 5, lines 3-12).

Flick suggests monitoring proximity or position sensors located in a vehicle door or an ignition switch in order to control generation of a jamming signal (Col 6, lines 2-5) and further suggests monitoring vehicle doors and an ignition switch for transponders by using a transmitted interrogation signal (Col 2, lines 47-49).

Janning et al. suggests an invention for jamming a receive portion of a transceiver to prevent it from receiving external data from a transponder (Col 21, lines 48-54) and for detecting the presence of a dispenser at a transceiver (Col 21, lines 41-47) and further suggests monitoring transceivers for responses to interrogation signals (Col 11, lines 45-52).

Flick does not specifically teach wherein the IC card adapter apparatus, when not in communication with the IC card, conducts polling to the IC card which comes close to the IC card adapter apparatus.

Janning et al. discloses wherein the IC card adapter apparatus, when not in communication with the IC card, conducts polling to the IC card which comes close to

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the IC card adapter apparatus (See, for example, Fig 9, steps 907 and 909 and Col 22, lines 24-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to incorporate a polling cycle in a vehicle security system in order to periodically check for the presence of transponders within the coverage area of the reader (Col 9, lines 20-27).

Response to Arguments

3. Regarding claim **1**, applicant has amended the claim to clarify that the IC card adapter apparatus conducts polling to the IC card "when not in communication with the IC card" and has argued that the previously cited prior art references of Fischer et al. (US 5,542,641) and Proske et al. (US 4,595,902) do not teach this additional limitation.

Applicant's arguments with respect to claim **1** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Andler whose telephone number is (571) 270-5385. The examiner can normally be reached on Monday-Friday 7:30 AM to 3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Andler/
Examiner, Art Unit 2876

/Michael G Lee/
Supervisory Patent Examiner, Art Unit 2876